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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/609,270	06/26/2003	Jack D. Hidary	287/US/27	7830
43997	7590	06/29/2004	EXAMINER	
OPTV/MOFO C/O MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD, SUITE 300 MCLEAN, VA 22102			VU, VIET DUY	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 06/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/609,270

Applicant(s)

HIDARY ET AL.

Examiner

Viet Vu

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/13/04 (IDS).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-77,80-137,140-226 and 229-231 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 78,79,138,139,227 and 228 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

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Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/26/03; 2/13/04.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

1. The following typo errors are found in the present claims:

Claim 83 is ended with two periods. Correction is required.

Art Rejections:

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claims 1-77, 80-137, 140-226 and 229-231 are rejected under 35 U.S.C. § 102(e) as being clearly anticipated by Palmer et al, hereafter Palmer, U.S. pat. No. 5,905,865.

Per claim 1, Palmer discloses a system and method for providing media/broadcast programming and online services to user comprising:

- a) receiving the programming signal from one of plurality of sources containing a video/audio program including radio, satellite, cable, fiber optics, DVD, etc., (see col 4, lines 29-40 and col 8, lines 5-13),
- b) obtaining at least one address associated with an online information provider (col 5, lines 44-67, col 6, lines 47-59 and col 8, lines 13-23),
- c) automatically establishing a communication path with one of the online information providers (col 6, lines 10-13),
- d) receiving information from the online service provider without user interaction (col 5, lines 5-20),
- e) presenting the information content to the user, e.g., additional information on an artist, live chats and ordering (see col 5, lines 22-38 and col 6, lines 49-55).

Per claims 2-29, 40-50, 54, 67-77 and 80-82, it is noted that Palmer's teachings encompass any conventional video and data programming, e.g. live show, music, online advertisement, etc., that are distributed via various conventional transmission media, e.g., satellite, cable, data network, DVD, etc., and are delivered to any known receivers, e.g., TV, computer, etc.

Per claims 30-31, Palmer teaches downloading addresses stored at a remote server to the user at any given time for use later by the user (see col 6, lines 13-17).

Per claims 32-39 and 62-66, Palmer teaches using the downloaded addresses to obtaining additional information about a product or service on the Internet including contacting and chatting with sale agents (see col 6, lines 51-64).

Per claims 51-53 and 55-61, Palmer also teaches using user profiles to select programming and/or content information (see col 7, lines 28-45).

Claims 83-137, 140-226 and 229-231 are similar in scope as that of claims 1-77 and 80-82.

Allowable Subject Matter:

4. Claims 78-79, 138-139 and 227-228 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion:

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Vu whose telephone number is (703) 305-9597. The examiner can normally be reached on Monday through Thursday from 8:00am to 4:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee, can be reached on (703) 305-8498.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.



VIET D. VU
PRIMARY EXAMINER

Art Unit 2154

6/23/04

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